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5 | Of Attorneys for David F. Wurst, Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

9 In re)
10 Michael R. Ware,)
11 Debtor.)
12 _____)
13 Michael R. Ware,)
14 Plaintiff,)
15 vs.)
16 Bank of America;)
17 Town and Country Chevrolet;)
18 General Motors Corporation,)
Defendants.)
Case No. 08-62504-fra7
Adv. Proc. No. 09-6007-fra
MOTION TO INTERVENE
BY DAVID F. WURST,
TRUSTEE

19 David F. Wurst, Trustee moves, pursuant to FRCP 24 and BR 7024, to intervene as
20 a matter of right. In support of this motion, the Trustee represents as follows:

1 The claims asserted in the complaint in this adversary proceeding arose
2 prepetition and are property of the bankruptcy estate under 11 U.S.C. § 541. The Trustee
3 is empowered under the Bankruptcy Code, 11 U.S.C. § 704, to administer the property of
4 the bankruptcy estate.

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26 | ////

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2. FRCP 24 provides that the Court must permit a person to intervene who:

- (1) is given an unconditional right to intervene by a federal statute; or
- (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

3. The present plaintiff, who is the debtor, cannot adequately represent the interests of the estate.

HAMMONS & MILLS

By: /s/ David B. Mills
David B. Mills, OSB #77281
Of Attorneys for David F. Wurst, Trustee

In re Michael Ross Ware;
USBC Case No. 08-62504-fra7
Michael Ross Ware vs. Bank of America, et al.;
Adversary Proceeding No. 09-06007-fra

CERTIFICATE - TRUE COPY

DATE: February 13, 2009

DOCUMENT: Motion to Intervene by David F. Wurst, Trustee

Manual Notice List:

I hereby certify that I prepared the attached copy of the foregoing named document and have carefully compared the same with the original thereof. This copy is a true and correct copy of the whole original thereof.

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy as stated above on the following via First Class Mail, postage pre-paid, addressed to each of them at their last known address, on the date listed above, and deposited with the US Postal Service at Eugene, Oregon:

Michael Ross Ware
3491 Sterling Crk Rd.
Jacksonville OR 97530

Bank of America
100 North Tryon St.
Charlotte, NC 28202

General Motors Corp.
PO Box 33170
Detroit, MI 48232

Electronic Mail Notice List:

The following is the list of parties who are currently on the list to receive email notice/service for this case:

David Jacobs
David B. Mills

HAMMONS & MILLS

By: /s/ David B. Mills
David B. Mills, OSB # 77281
Of Attorneys for Intervener